

Appl. No. 10/711,018
Amtd. dated January 28, 2005
Reply to Office action of 01/11/2005

REMARKS/ARGUMENTS

1. Election/Restriction

5 Restriction to one of the following inventions is required under 35 U.S.C.121:

- I. Claims 1-9 and 22-29, drawn to a storage capacitor, classified in class 361, subclass 303.
- 10 II. Claims 10-21, drawn to a method forming a storage capacitor, classified in class 438, subclass 296.

The inventions are distinct, each from the other because of the following reasons:

15 Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP §806.05(f)). In the instant case the process of claimed can be used to make materially different product than product claimed in group I, such as, tantalum oxide or titanium oxide should be used for medium layer.

20 Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their

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different classification, restriction for examination purposes as indicated is proper.

5 Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Response:

10 Applicants amend the claims in the above AMENDMENT portion. The product claims 1-9 and 22-29 corresponding to invention I are elected as the subject matter to be examined in the present application. The method claims 10-21 are not elected and therefore canceled. Consideration of claims 1-9 and 22-29 is hereby requested.

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Sincerely yours,

Winston Hsu

Date: January 28, 2005

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25 Note: Please leave a message in my voice mail if you need to talk to me. The time difference between D.C. and Taiwan is 13 hours. The preferred time period for telephone conversation is 7 AM (or earlier) – 11 AM, D.C. time.